

EXHIBIT 09

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC, VIDEO CONFERENCE VIDEO
DEPOSITION OF:

Plaintiff,

ERIC SCHADRIE

vs.

MARCH 8, 2022

BAY TEK ENTERTAINMENT, INC.,

Defendant.

CASE NO. 1:20-cv-03395

BAY TEK ENTERTAINMENT, INC.,

Counterclaim Plaintiff,

vs

FULL CIRCLE UNITED, LLC,

Counterclaim Defendant,

and

ERIC PAVONY,

Additional Counterclaim

Defendant.

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VIDEO CONFERENCE VIDEO DEPOSITION OF ERIC SCHADRIE

TAKEN BY: The Plaintiff/Counterclaim Defendant

TAKEN AT: Via Zoom Videoconference

8:36 a.m. CST - 5:11 p.m. CST

REPORTED BY NANSI CASPER

VIDEOGRAPHY BY KRAIG HILDAHL

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1 A. Eleven.

2 Q. In your own words, how would you describe the
3 differences between Skee-Ball Live lanes and
4 Skee-Ball Classic lanes?

5 MR. WILLIAMS: Objection to form.

6 BY MS. CASADONTE-APOSTOLOU:

7 Q. Okay. Let me start over. In 2016, did Bay Tek
8 produce any alley rollers?

9 MR. WILLIAMS: Asked and answered.

10 A. 2016, Bay Tek produced Skee-Ball Classic lanes and
11 Skee-Ball -- what we called our Skee-Ball lanes.

12 BY MS. CASADONTE-APOSTOLOU:

13 Q. And what you called what?

14 A. Our standard Skee-Balls. Skee-Ball lanes.

15 Q. So Skee-Ball Classic lanes are standard Skee-Ball
16 lanes?

17 A. No. There's two variations of our Skee-Ball
18 product in 2016.

19 Q. Okay.

20 A. One was the classic and one was a higher end
21 feature, feature model.

22 Q. Did the higher end feature model have a name?

23 A. No. Just Skee-Ball.

24 Q. So in 2016 Bay Tek produced Skee-Ball Classic lanes
25 and a Skee-Ball lane?

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1 A. Correct.

2 Q. Do you recall the differences, if any, between
3 Skee-Ball Classic lanes and the Skee-Ball lanes
4 manufactured by Bay Tek in 2016?

5 A. Yes. I do recall some features.

6 Q. Can you share what you recall about the differences
7 between the Skee-Ball Classic lanes and Skee-Ball
8 lanes produced by Bay Tek in 2016?

9 A. I can recall some of them. And, so the bigger
10 differences, the Skee-Ball lane was green. It had
11 more lights along the rails. It had blue balls.
12 It had some chase lighting effect happening, and it
13 had a different display type in the head.

14 Skee-Ball Classic was mostly maroon with
15 yellow rails. It had a more dated lighting scheme;
16 white lights, I believe. Just a second. And a
17 smaller dot matrix display. Different sound
18 effects. Different themed graphics.

19 Q. In 2017, do you recall whether Bay Tek manufactured
20 any type of alley roller in 2017?

21 A. I believe we manufactured those same alley rollers
22 that I just gave you.

23 Q. Okay. Do you know if the Skee-Ball lanes were
24 different in any way from the Skee-Ball Classic
25 lanes manufactured by Bay Tek in 2017?

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1 MR. WILLIAMS: Objection to form. Asked and
2 answered.

3 A. The timeframe is hazy here, but at some point, we
4 were manufacturing the Skee-Ball as Skee-Ball
5 manufactured it, and at some point, Bay Tek looked
6 at our manufacturing efficiencies and changed it.
7 It still looked the same, but it had different
8 components in it.

9 BY MS. CASADONTE-APOSTOLOU:

10 Q. I'm sorry, can you explain what two things you're
11 comparing? What looked -- what looked the same?

12 A. The Skee Classic -- Skee-Ball version versus the
13 Skee-Ball Classic Bay Tek version. Call it 1.0 and
14 2.0. Essentially, when you bought Skee-Ball, we
15 sold their product as they existed -- as it existed
16 and as they built it. At some point after the
17 acquisition, we dug into the design and changed it
18 to have manufacturing efficiencies.

19 Q. Do you recall whether the Skee-Ball lanes
20 manufactured by Bay Tek were ticket redemption
21 games?

22 A. Yes.

23 Q. Were they?

24 A. Yes. They were.

25 Q. They were ticket redemption. Would you consider

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1 the Skee-Ball Classic lanes manufactured by Bay Tek
2 in 2017 coin operated games?

3 A. Yes. They were.

4 Q. Do you know whether the Skee-Ball Classic lanes
5 manufactured by Bay Tek in 2017 had the credit
6 setting set to free play?

7 A. No. They did not.

8 Q. They did not. Did they have the ability to be set
9 to free play?

10 A. Yes.

11 Q. Is there a way to set Skee -- in 2017, did Bay Tek
12 enable the Skee-Ball Classic lanes it manufactured
13 with the ability to be set to free play that didn't
14 require an external button?

15 MR. WILLIAMS: Objection to form.

16 BY MS. CASADONTE-APOSTOLOU:

17 Q. Let me change the question on you. In 2017, do you
18 know how Skee-Ball Classic lanes manufactured by
19 Bay Tek would be set to free play?

20 A. I don't recall.

21 Q. Are you familiar with the phrase free play button
22 as you --

23 A. Yes.

24 Q. -- in connection with Skee-Ball lanes? Can you
25 describe to me what that phrase Skee-Ball -- free

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1 you looking for names?

2 BY MS. CASADONTE-APOSTOLOU:

3 Q. If you remember the identity of anybody that you
4 worked with to build the Skee-Ball Live lanes, yes,
5 please share.

6 A. Mark Johnson was my software engineer. Will Jensen
7 was my electronics engineer. Chris Vanden Hausen
8 was my mechanical engineer. And Rick Moreau was my
9 prototyper.

10 Q. Can you describe what you mean by prototyper?

11 A. Sure. Prototyper is essentially a mechanical
12 engineer that is not quite as experienced. So.
13 They don't have all the technical skills to design
14 a game, but they are learning, and typically they
15 are the builders of our prototypes.

16 Q. Turning back to the Skee-Ball Classic lanes
17 manufactured by Bay Tek in 2017. Do you recall the
18 different -- any differences in features between
19 those lanes and the Skee-Ball Live lanes
20 manufactured by Bay Tek for FCU?

21 MR. WILLIAMS: Object to form.

22 A. I feel like the ones that I listed already. Right?
23 Had a TV screen, had a camera. Different cork
24 color. A drink holder and a phone holder. There
25 was an iteration of it that had smaller 100 pull

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1 targets. And then the cabinet was shaped slightly
2 different.

3 BY MS. CASADONTE-APOSTOLOU:

4 Q. When you say there was an iteration of it that had
5 smaller 100 targets, what are you -- which one are
6 you referring to?

7 A. Well, there was -- out of -- out of the eleven
8 prototypes, we were asked to make two -- two of
9 them that had a slightly different play field. And
10 those play fields would be for the more skilled.
11 So they had a smaller diameter, essentially just
12 larger than the size of the ball. Much harder to
13 hit.

14 Q. Can you think of any other Skee-Ball alleys
15 manufactured by Bay Tek in 2017 that had a TV
16 screen on it, other than the Skee-Ball Live lanes?

17 A. None that we manufactured in 2017. No.

18 Q. In 2016?

19 A. No. I guess I don't know. I don't think so.

20 Q. Who would know at Bay Tek whether there were any
21 other Skee-Ball alleys manufactured by Bay Tek in
22 2016 that had TVs on them other -- on them?

23 MR. WILLIAMS: Objection to form. Calls for
24 speculation.

25 A. I don't know who necessarily would know that for

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STATE OF WISCONSIN)

SS

COUNTY OF OUTAGAMIE)

I, NANSI CASPER, a Professional Court Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding video conference video deposition was recorded by me and reduced to writing under my personal direction.

I further certify that the preceding video conference video deposition was held via Zoom Videolink on the 8th day of March, 2022, commencing at 8:36 a.m. CST and concluding at 5:11 p.m. CST.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand at Appleton, Wisconsin, this 23RD day of March, 2022.



Nansi Casper, Court Reporter

My commission: 07-03-24

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,

Plaintiff,

v.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

Case No. 1:20-cv-03395-BMC

ERRATA SHEET

BAY TEK ENTERTAINMENT, INC.,

Counterclaim Plaintiff,

v.

FULL CIRCLE UNITED, LLC,

Counterclaim Defendant,

and

ERIC PAVONY,


Additional Counterclaim Defendant.

Eric Schadrie, being duly sworn, deposes and says:

1. I have reviewed the transcript of my deposition taken on March 8, 2022. The following changes are necessary to correct my testimony:

| Page/Line | Corrected Testimony | Reason for Correction |
|--------------------|--|-----------------------|
| Page 28, Line 16 | "More" should be "Moore" | Transcription error |
| Page 28, Line 17 | "Vanden Hausen" should be "Van Den Elzen" | Transcription error |
| Page 46, Lines 16- | "prepared" should be "prepare" and "to" should | Transcription |

| | | |
|---------------------|---|-----------------------------------|
| 17 | be "a" | error/clarification |
| Page 53, Line 6 | "frequently" should be "frequent" | Transcription error |
| Page 63, Lines 9-15 | "Gold Rush," "Alley Oops" and "Grand Finale" should be "Goal Rush," "Alley Ooop," and "Grand Fun-Alley" | Transcription error/clarification |
| Page 70, Line | Add "room" between "game" and "for" | Clarification |
| Page 122, Line 7 | "Vanden Hausen" should be "Van Den Elzen" | Transcription error |


ERIC SCHADRIE